

EXPRESS TERMS
Article 2.4 – Driver Safety
Critical Need Restriction – Under the Age of 21

Section 118.00 - Restricted Driver License Based upon a Critical Need to Drive – Persons Under 21

(a) The Department may issue a restricted driver license based upon a critical need to drive if the person's driver's license was suspended or the issuance of a license delayed pursuant to Vehicle Code Sections 23136, 13388 or 13353.2. The applicant shall meet all other requirements for issuance of a driver license and have no history of disqualifying violations as described in Vehicle Code Section 13353.8.

(b) A request for a critical need restriction shall be made by submitting to the department an Application for Critical Need Restriction, form DS 694 (REV 11/2005) WWW or form DS 2694 (REV 3/2004), which is hereby incorporated by reference. The applicant shall complete the Statement of Facts by Applicant and supply required additional information and supporting evidence regarding circumstances under which a critical need is being requested. It is the applicant's responsibility to provide full and complete answers and to prove facts supporting the claim of a critical need to drive. The applicant shall attach any information regarding alternative transportation that can meet that need.

(c) A person is eligible for a restricted driver license when, in the opinion of the department, sufficient proof of one or more of the following circumstances exists:

(1) School or other transportation is not adequate for regular attendance at school. The applicant shall complete the Statement of Facts by Applicant and provide required additional information relating to transportation to and from school. The Statement of Facts by School Principal shall be completed on the application and the certification signed under the penalty of perjury under the laws of the State of California. If the school does not have a principal, then a department head, headmaster, administrator or other person whose title indicates a position of responsibility for the supervision and/or administration of the school shall complete the form. The application shall be accompanied by proof of current enrollment in the school.

(2) Transportation facilities are inadequate and the operation of a vehicle by a minor is necessary due to the illness of a family member. The applicant shall complete the Statement of Facts by Applicant and provide required additional information relating to any family illness. The Statement of Facts by Physician shall be completed on the application and the certification signed under the penalty of perjury under the laws of the State of California. A separate Statement

of Facts by Applicant shall be completed for each family member whose disability or illness affects transportation needs.

(3) Transportation facilities are inadequate and the operation of a vehicle by a minor is necessary due to employment of the applicant and the applicant's income is essential to the support of the family. The applicant shall complete the Statement of Facts by Applicant and provide required additional information relating to transportation to and from work. The Statement of Facts by Employer shall be completed on the application and the certification signed under the penalty of perjury under the laws of the State of California.

(4) Operation of a vehicle by the applicant is essential to a family enterprise from which a substantial amount of the family's income will be derived and without which income the family will be unable to obtain essential goods and services critical to their survival or welfare. The applicant shall complete the Statement of Facts by Applicant and provide additional information relating to any family enterprise. The Statement of Facts by Employer shall be completed and the certification signed under the penalty of perjury under the laws of the State of California.

(d) If public transportation is available within one mile of the applicant's home, but conditions exist which make walking to that transportation unsafe, the applicant shall provide evidence to show the path is unsafe.

(e) If public transportation exists, but service between the applicant's home and medical office, school, place of employment, or family business enterprise is scheduled in a way that would prohibit the applicant from reaching the destination in the time needed and return home on the same day, the applicant shall attach the schedules of all scheduled public transportation, as well as connecting points, and explain how the transportation service will not meet his or her needs.

(f) Any application of an applicant under the age of 18 who is requesting a critical need restriction shall include the signature of both parents on the application.

(1) If a parent has sole custody, that parent shall indicate so by writing "I have sole custody" in the signature space provide for the second parent.

(2) If the applicant is in the custody of a legal guardian, the guardian shall strike through the words "Father" and "Mother" in the signature spaces and sign the application in one space and, in the other space, write "I am the legal guardian of the applicant". A guardian that has physical custody but has not yet been granted legal custody shall indicate so by writing "I have actual physical custody."

(3) An applicant who was an emancipated minor at the time of licensure shall indicate this status by writing “Statement of Emancipation on file” in the space provided for a parent signature. An applicant who is emancipated but has never applied for a driver license and does not have a Statement of Emancipation on file with the department, shall indicate this status by writing, “I am an emancipated minor and can file proof of my financial responsibility” in the space provided for a parent signature.

(4) An applicant who does not fall into any of the categories described in (f)(1) through (f)(3) above may meet the authorization and certification requirements of the application process by complying with provisions of Chapter 2 of Division 7 of the Vehicle Code, beginning at Section 17700 “Civil Liability of Persons Signing License Applications.”

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Section 1652, 1653, 13353.2, 13353.8, 13388, 17700 and 23136, Vehicle Code.